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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL PAUL HANSEN,

Defendant and Appellant.

E048329

(Super.Ct.No. RIF144487)

OPINION

APPEAL from the Superior Court of Riverside County. Bernard Schwartz, Judge.
Affirmed.

Christopher Nalls, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

I

INTRODUCTION

On January 21, 2009, an amended information charged defendant and appellant Michael Paul Hansen with (1) transportation of methamphetamine under Health and Safety Code section 11379, subdivision (a) (count 1); (2) possession of methamphetamine for sale under Health and Safety Code section 11378 (count 2); (3) driving with a suspended license under Vehicle Code section 14601.1, subdivision (a), a misdemeanor (count 3); and (4) possession of not more than 28.5 grams of marijuana under Health and Safety Code section 11357, subdivision (b), a misdemeanor (count 4). The information also alleged that defendant had a prior conviction within the meaning of Health and Safety Code section 11370.2, subdivision (a).

On January 26, 2009, a jury found defendant guilty of counts 1, 3, and 4, and of possessing methamphetamine under Health and Safety Code section 11377, subdivision (a), a lesser included offense of count 2. Defendant admitted his prior conviction allegation.

On March 27, 2009, the trial court denied probation and sentenced defendant to a total term of five years in prison: two years (the low term) for count 1; two years (the midterm) for the lesser included offense of count 2, stayed under Penal Code section 654; and a consecutive three-year enhancement under Health and Safety Code section 11370.2, subdivision (c). The court imposed concurrent sentences for counts 3 and 4.

On May 11, 2009, defendant filed his notice of appeal.

II

STATEMENT OF FACTS

In the afternoon of July 8, 2008, Officer Levesque of the Riverside Police Department was on patrol in downtown Riverside. While driving in his marked patrol car, he saw defendant's truck going down 11th Street; Officer Levesque was familiar with the truck and had stopped defendant for driving with a suspended license two or three months prior. The officer turned to follow the truck, which made a U-turn and parked in front of defendant's house on 11th Street.

After defendant got out of the truck, Officer Levesque pulled up and asked defendant if his license was still suspended. Defendant responded yes. The officer got out of his patrol car and walked over to place defendant under arrest for driving with a suspended license. Officer Levesque asked defendant if he had anything illegal in his possession. Defendant responded yes, he had a bag in his pocket containing over a half-ounce of "dope." The officer searched defendant and found a black canvas bag containing a small digital scale, a baggie with 2.5 grams of marijuana, a baggie with 2 grams of hashish, and two baggies with a total of 20 grams of methamphetamine.

A sheriff's investigator testified that, in his opinion, such an amount of methamphetamine must have been possessed for sale. Defendant testified that he has used methamphetamine most of his adult life—over 20 years—and possessed the two bags of methamphetamine only for personal use, not for sale.

Defendant's license was suspended at the time of his arrest. In 1993, defendant was pulled over by the police and was found to have six grams of methamphetamine, \$232 in cash, and a scale in his possession.

III

ANALYSIS

After defendant appealed, and upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436, and *Anders v. California* (1967) 386 U.S. 738 setting forth a statement of the case, a summary of the facts, and potential arguable issues, and requesting this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues.

IV

DISPOSITION

The judgment is affirmed.

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/s/ McKinster
Acting P.J.

We concur:

/s/ King
J.

/s/ Miller
J.